

# COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled A CULTURE MEDIUM AND A METHOD FOR DETECTION OF PARASITES, the specification of which:

- ☐ is attached hereto.  
☐ was filed on \_\_\_\_\_ as Application Serial No. \_\_\_\_\_ and was amended on \_\_\_\_\_.  
☒ is PCT International Application No. PCT/AU2004/000153 filed on 10 February 2004, and as amended in the Preliminary Amendment filed herewith.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim the benefit under Title 35, United States Code, §119(a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate listed below and so identified, or §365(a) of any PCT international application that designated at least one country other than the United States of America, listed below, and I have also identified below any foreign application for patent or inventor's certificate of PCT international application on this invention filed by us or our legal representatives or assigns and having a filing date before that of the application on which priority is claimed.

Country	Number	Filing Date	Priority Claimed
Australia	2003900553	10 February 2003	Yes

I hereby claim benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below:

Application No.	Filing Date
N/A	

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial No.	Filing Date	Status
N/A		

**Combined Declaration and Power of Attorney**  
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<u>PCT Application No.</u>	<u>Filing Date</u>	<u>Status</u>
N/A		

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint the following attorneys and agents, with full power of substitution and revocation, to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith and request that all correspondence and telephone calls in respect to this application be directed to Stephanie Seidman, FISH & RICHARDSON, P.C., 12390 El Camino Real, San Diego, California 92130-2081.

<b>Attorney</b>	<b>Reg. No.</b>
Stephanie L. Seidman	33,779
Fred C. Hernandez	41,832
Paula K. Schoeneck	39,362
Frank J. Miskiel	53,332
Scott C. Harris	32,030

Direct all telephone calls to STEPHANIE SEIDMAN at telephone number (858) 678-5070.

Direct all correspondence to the following:

20985  
PTO Customer Number

Full Name of Inventor: Thomas Julius Borody

Date: 24/6/05

Inventor's Signature: 

Residence Address: New South Wales 2154, Australia

Citizenship: Australian

Post Office Address: 2-4 Cottonwood Place, Castle Hill, New South Wales 2154, Australia

10516457.doc

Practitioner's Docket No. \_\_\_\_\_

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

☒ In re application of:

Application No.:

Group No.:

Filed:

Examiner:

For: \* Thomas Julius Borody "A culture medium and a method for detection of parasites"

☐ Patent No.:

Issue Date:

*\*NOTE. Insert name(s) of inventor(s) and title also for patent Where statement is with respect to a maintenance fee payment, also insert application number and filing date, and add Box M. Fee to address.*

**STATEMENT CLAIMING SMALL ENTITY STATUS (37 CFR 1.9(c-f) and 1.27(b-d))**

With respect to the invention described in

☒ the specification filed herewith.

☐ application no. \_\_\_\_\_ filed \_\_\_\_\_

☐ PCT International Application No. \_\_\_\_\_ filed \_\_\_\_\_

☐ patent no. \_\_\_\_\_ issued \_\_\_\_\_.

**I. IDENTIFICATION AND RIGHTS AS A SMALL ENTITY**

I hereby state that I am

*(complete either (a), (b), (c) or (d) below)*

(a) Independent Inventor

☒ a below named independent inventor, and that I qualify as an independent inventor, as defined in 37 CFR 1.9(c), for purposes of paying reduced fees under Sections 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office.

(b) Noninventor Supporting a Claim by Another

☐ making this statement to support a claim by

for a small entity status for purposes of paying reduced fees under Sections 41(a) and (b) of Title 35, United States Code. I hereby state that I would qualify as an independent inventor as defined in 37 CFR 1.9(c) for purposes of paying reduced fees under Sections 41(a) and (b) of Title 35, United States Code, if I had made the above identified invention.

(c) Small Business Concern

*check*  
*one /* ☐ the owner of the small business concern identified below;  
☐ an official of the small business concern empowered to act on behalf of the concern identified below:

(Statement Claiming Small Entity Status (37 CFR 1.9(c-f) and 1.27(b-d))--page 1 of 4) 7-10

Name of Concern: \_\_\_\_\_  
Address of Concern: \_\_\_\_\_

\_\_\_\_\_ and  
that the above identified small business concern qualifies as a small business concern, as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Sections 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

(d) Non-Profit Organization

☐ an official empowered to act on behalf of the nonprofit organization identified below:

Name of Organization  
Address of Organization

TYPE OF ORGANIZATION

- ☐ University or Other Institution of Higher Education  
☐ Tax Exempt Under Internal Revenue Service Code (26 USC 501(a) and 501(c) (3))  
☐ Nonprofit Scientific or Educational Under Statute of State of the United States of America  
(Name of State \_\_\_\_\_)  
(Citation of Statute \_\_\_\_\_)  
☐ Would Qualify as Tax Exempt Under Internal Revenue Service Code (26 USC 501(a) and 501(c) (3)), if Located in the United States of America  
☐ Would Qualify as Nonprofit Scientific or Educational Under Statute of State of the United States of America, if Located in the United States of America  
(Name of State \_\_\_\_\_)  
(Citation of Statute \_\_\_\_\_)

and that the nonprofit organization identified above qualifies as a nonprofit organization, as defined in 37 CFR 1.9(e), for purposes of paying reduced fees under Sections 41(a) and (b) of Title 35, United States Code.

II. OWNERSHIP OF INVENTION BY DECLARANT

I hereby state that rights under contract or law remain with and/or have been conveyed to the above identified

☒ person ☐ concern ☐ organization  
(item (a) or (b) above) (item (c) above) (item (d) above)

EXCEPT, that if the rights held are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held (1) by any person who could not be classified as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, (2) any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or (3) a nonprofit organization under 37 CFR 1.9(e).

☒ no such person, concern, or organization  
☐ person, concerns or organizations listed below\*

*\*NOTE. Separate statements are required from each named person, concern or organization having rights to the invention as to their status as small entities. (37 CFR 1.27)*

Full Name  
Address

☐ INDIVIDUAL                      ☐ SMALL BUSINESS CONCERN    ☐ NONPROFIT ORGANIZATION

Full Name  
Address

☐ INDIVIDUAL                      ☐ SMALL BUSINESS CONCERN    ☐ NONPROFIT ORGANIZATION

### III. ACKNOWLEDGEMENT OF DUTY TO NOTIFY PTO OF STATUS CHANGE

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

### IV. DECLARATION

*(check the following item, if desired)*

*NOTE: The following verification statement need not be made in accordance with the rules published on October 10, 1997. 62 Fed. Reg. 52131, effective December 1, 1997.*

*NOTE: AThe presentation to the Office (whether by signing, filing, submitting, or later advocating) of any paper by a party, whether a practitioner or non-practitioner, constitutes a certification under ' 10.18(b) of this chapter. Violations of ' 10.18(b)(2) of this chapter by a party, whether a practitioner or non-practitioner, may result in the imposition of sanctions under ' 10.18(c) of this chapter. Any practitioner violating ' 10.18(b) may also be subject to disciplinary action. See ' ' 10.18(d) and 10.23(c)(15).@ 37 CFR 1.4(d)(2).*

☒ I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

V. SIGNATURES

(complete only (e) or (f) below)

(e)

NOTE: All inventors must sign the statement.

Thomas Julius Borody

Name of Inventor

Signature of Inventor

Date:

12/05/08

Name of Inventor

Date:

Signature of Inventor

Name of Inventor

Date:

Signature of Inventor

(add lines for any additional inventors who must sign)

or

(f)

NOTE: The title of the person signing on behalf of a concern or nonprofit organization should be specified.

Name of Person Signing

Title of Person

(if signing on behalf of a concern or non-profit organization)

Address of Person Signing

SIGNATURE \_\_\_\_\_

DATE